

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTON COLBERT, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

RIO TINTO PLC, RIO TINTO LIMITED,
THOMAS ALBANESE, and GUY ROBERT
ELLIOTT,

Defendants.

No. 1:17-cv-08169-AT-DCF

CLASS ACTION

NOTICE OF APPEAL

NOTICE IS GIVEN that Plaintiff Anton Colbert, individually and on behalf of all others similarly situated, appeals to the United States Court of Appeals for the Second Circuit from: (1) the Order denying Plaintiff's motion for reconsideration under Federal Rule of Civil Procedure 59(e) (ECF No. 85), filed and entered on July 29, 2019; (2) the Order granting Defendants' motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) (ECF No. 79), filed and entered on June 3, 2019; and (3) the Judgment (ECF No. 80), filed and entered on June 4, 2019.

DATED: August 27, 2019

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Reed R. Kathrein

Reed R. Kathrein (admitted *Pro Hac Vice*)

Danielle Smith (admitted *Pro Hac Vice*)

Lucas E. Gilmore

HAGENS BERMAN SOBOL SHAPIRO LLP

715 Hearst Avenue, Suite 202

Berkeley, CA 94710

Telephone: (510) 725-3000

Facsimile: (510) 725-3001

reed@hbsslaw.com

danielles@hbsslaw.com

lucasg@hbsslaw.com

Steve W. Berman

HAGENS BERMAN SOBOL SHAPIRO LLP

1301 Second Avenue, Suite 2000

Seattle, WA 98101

Telephone: (206) 623-7292

Facsimile: (206) 623-0594

steve@hbsslaw.com

Counsel for Lead Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2019, electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

/s/ Reed R. Kathrein

REED R. KATHREIN